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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,432	07/09/2003	Ronald Thomas Stafford JR.	4692.25	9177

7590 04/20/2005

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EXAMINER

ELKINS, GARY E

ART UNIT PAPER NUMBER

3727

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

### Office Action Summary

Application No.

10/616,432

<b>Applicant(s)</b>	
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STAFFORD, RONALD THOMAS

**Examiner**

Gary E. Elkins

<b>Art Unit</b>
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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 20031020.
- 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4 from the end, "the second bottom slot flap" lacks antecedent basis in the claim.

In each of claims 8, 10 and 15, "fabricated from a unitary of material" is unclear, i.e. a unitary what of material?

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 10-13, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Roccaforte. Roccaforte discloses a collapsible box including bottom side flaps 32, 52 where a first bottom side flap, e.g. 32 has a width (e.g. at 37) less than the width of either of the end walls 11, 13 and the second bottom side flap, e.g. 52 has a free outer edge and a width at the projection 58 substantially equal to the width of either of the end walls as claimed.

4. Claims 1, 10-15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by any one of Linson (fig. 9 emb), Tyrseck et al or Phillips, Jr. Each of Linson, Tyrseck et al and Phillips, Jr. discloses a collapsible box including bottom side flaps (30', 45; 27, 29; 22, 27,

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respectively) where a first bottom side flap (30', 27, 22, respectively) has a width less than the width of either of the end walls and the second bottom side flap (45, 29, 27, respectively) has a free outer edge (at the projection 41 in Tyrseck et al) and a width substantially equal to the width of either of the end walls as claimed.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Roccaforte, Linson (fig. 9 emb), Tyrseck et al or Phillips, Jr, each in view of Dowd. Each of Roccaforte, Linson, Tyrseck et al and Phillips discloses all structure of the claimed box except formation from corrugated material (cl. 2) or corrugated plastic (cls. 3-9). It would have been obvious to make the box in any one of Roccaforte, Linson, Tyrseck et al or Phillips, Jr. from corrugated plastic as taught by Dowd to acquire the advantages of corrugated plastic over paperboard, i.e. durability, strength, water resistance and insulation. Corrugated plastic is well known as a material for making boxes.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Linson (fig. 9 emb), Tyrseck et al or Phillips, Jr, each in view of either Lange or Nagle. Each of Linson, Tyrseck et al and Phillips, Jr. discloses all structure of the claimed box except formation of the scored hinge lines as either crushed or perforated scores. Each of Lange and Nagle teaches that it is known to make score lines in boxes by either crushing or cutting the score lines

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in the material. It would have been obvious to make the score lines in any one of Linson, Tyrseck et al or Phillips, Jr. by crushing or cutting the material as taught by either Lange or Nagle since the processes shown in either of Lange or Nagle are easily performed and yield easily folded scores in the material. Both crushing and perforating are well known methods of forming fold lines in boxes.

### ***Conclusion***

The remaining cited prior art is illustrative of the general state of the art.

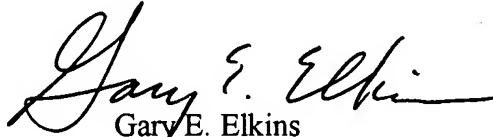
In order to reduce pendency and avoid potential delays, Technology Center 3700 is encouraging FAXing of responses in Office Actions to (703)872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by Applicants who authorize charges to a PTO deposit account. Please identify the Examiner and art unit at the top of your cover sheet.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. Also, copies of an office action or other file information may be obtained from the Private PAIR system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Gary Elkins at telephone number (571)272-4537. The Examiner can normally be reached Monday, Wednesday and Thursday.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Lee Young can be reached at (571)272-4549.

  
Gary E. Elkins  
Primary Examiner  
Art Unit 3727

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18 April 2005